Heraclitus Ridens:

AT

A Dialogue between Jeſt and Earneſt, concerning the Times.

Tueſday, May the 16th. 1682.

Earn. WELL met again; I perceive by their ranting, the Whigs will find us ſo good Diverſion, that we ſhall not need to take the Air yet, and therefore we'l e'en ſtick to 'em a little longer. What old muſty Record haſt thou got there?

Jeſt. 'Tis only an antient Manuſcript Romance, tranſlated out of the *Arabic*, being *The Hiſtory of the Life and Death of the famous Renegado* Aſſelego, *ſhewing how he turned Whig, and was made a Beglerbeg of that People, and at laſt ended his life by way of ſtrangulation in a place in* Egypt, *call'd* Delta, *from the three corner'dneſs of its ſhape, being the end of his Dominion.*

Earn. A notable promiſing Title, I aſſure ye; but pray let's hear a little of it, that we may judg of its ſtile and fitneſs for the publick, if you ſhould think to put it at the end of the next Edition of *Don Quixot.*

Jeſt. 'Tis writ in ſuch an old faſhion'd Character I can hardly read it; but toward the latter end of the Life I find a pretty ſtory, and which pleaſes me; 'tis thus, *pag.* 666. The mighty Giant Scandamag having deſerted the Chriſtians and joyn'd with Aſſelego, he commanded him to go and challenge the beſt Knight in their Hoſt; in order whereunto he ſends him compleat Armour and his own Shield in which was born for a Device, Popilius with his Sword in his Fathers throat and his foot upon the neck of Tully who ſav'd his life, with this inſcription, Adſum qui feci. Before him march'd two Squires in red, the one of them ringing the other reeling all the way as they advanc'd.

Earn. What ſtrange Cuſtoms there were in old time!

Jeſt. Ay truly, this manner of Proceſſion would look very odd now adays. But the Author goes on, & be ſaid Giant being come near the Chriſtian Hoſt, proclaim'd with a loud Voice, If any Chriſtian dare upbraid the mighty Beglerbeg with any of his Treaſons and Villanies, let him come forth. At which a worthy Knight hight Jocradoc, ſpur'd forward his ſteed and with his Lance in the reſt encountred the Giant ſo roughly, that at the third courſe Scandamag meaſur'd his length on the ground, and was carried off by the Heathens, who very much deſpair'd of his being ſerviceable again.

Earn. No more now of this old ſtuff. How goes on the Cauſe?

Jeſt. The Law has dealt it a ſmall blow in the Perſon of the great Kidnapper, which puts their Affairs a little to a ſtand; their Grand and Sub-Committees being at this time much taken up in ſeeking an advantageous Solution of the great Queſtion, *An Averia capta in Withernamio ſint irreplegiabilia?*

Earn. That will prove a hard tug for 'em, I doubt, for though 'tis ſaid a very great Scholar a Foreiner, was once nonpluſt with the Latinity of it by Sir *Tho. More*; yet the caſe in point of Law has been reſolv'd long ago in the Affirmative; ſo that if the worſt come to the worſt, they muſt do, as *Alexander* the Great did by the *Gordian* Knot, which when he could not untie, he fairly cut;

Jeſt. But pray tell me what's this *Withernam* they talk of and *Homine Replegiando?* I would willingly be able to inform many Perſons that ask me about it.

Earn. Why, the Writ *de Homine Replegiando*, you muſt know, lies againſt any one who either by unlawful force or by fraud has taken, or as ſome call it *Kid-napped*, and others, *Spirited* away, and deteins in Priſon or in Slavery any Free Man, Woman or Child; and it may be brought and proſecuted either by the Injured Perſon, or by the Parents or Friends on his or her behalf. 'Tis an Antient Writ, and you may ſee the form of it in the Regiſter and in *Fitz. N. Br.* fo. 66.

Jeſt. I have heard indeed that 'tis an Antient Writ, and its Antiquity has of late in favour of ſome (who have taken more pains to gain the ſo oſtentatious name of *True Proteſtants*; than really to be good Chriſtians or indeed reaſonable Creatures) been clamorouſly objected againſt its uſe by many of our Modern Fops, who, could in ſome caſes be content that an old Law ſhould be like an old Woman without Teeth.

Earn. Upon the ſame ſcore they may find fault with the putting in execution of any branch of *Magna Charta*; which is very old Law too. Not but that if their traiterous *Aſſociation* had taken effect, this Writ had been wholly evacuated.

Jeſt.

Jeſt. Why ſo?

Earn. Becauſe we muſt then have become Villains Regardant, to the Lord —— knows who: and thoſe Villains Regardant can have no benefit by ſuch a Writ.

Jeſt. Explain your ſelf, pray.

Earn. The Lord *Coke* tells us, *fo.* 120. *B. Inſt.* 1. That he is call'd a *Villain Regardant*, whoſe ſervice is not certain, but he muſt have *regard* to that which is commanded him. And diſcourſing in the ſame Section, *fo.* 116. *B.* concerning this baſe and ſlaviſh Tenure; He tells us further, That Bondage was firſt inflicted for Diſhonouring of Parents; "For, ſays he, "*Cham* the Father of *Canaan* (of whom iſſued "the *Canaanites*) ſeeing the nakedneſs of his "Father *Noah*, and ſhewing it in Deriſion to "his Brethren, was therefore puniſhed in his Son "*Canaan* with Bondage; and herewith, adds he, "agrees the Divine (citing in the Margin the "Learned St. *Ambroſe.*) Now for my part, I think that the Lord *Coke* never ſaid or wrote any thing that deſerves more to be conſider'd by thoſe who make it their buſineſs by Lyes and by ſeditious and ſcandalous Libels, and all the ways that an undutiful Malice can ſuggeſt to diſhonour the King, our common Father, to whom certainly we have abundantly greater obligations than to our Natural Parents.

Jeſt. And you ſay that a Villain cannot maintain the Writ *de homine Replegiando?*

Earn. No; for if *A* —— be ſeiz'd of *Knaves-Acre* in Fee, and *B* —— is his Villein regardant —— ——

Jeſt. And why not *C* —— I pray'e.

Earn. Prethee, what doſt tell me of *C* ——? Any letter in the Alphabet will ſerve as well to the making the Caſe, it ſhall be *W* —— if you will.

Jeſt. Be it ſo then. Proceed.

Earn. I ſay, in that Caſe, if *W*—— bring a Writ *de Homine Replegiando* againſt *A* —— the Sh. may return that he is *A*--'s Villain Regardant, and it has been adjudg'd a good Return.

Jeſt. Very well; but you have not yet told me what is the meaning of this ſame *Withernam?*

Earn. 'Tis a judicial Proceſs grounded upon the Return of the Sheriff upon the former Writ, by which when it appears that the Perſon in whoſe behalf 'tis proſecuted, cannot be replevied, becauſe of his having been convey'd away by the Defendant, or by his means, a *Capias in Withernam* by the Law will lie againſt him, upon which, as I have heard, for the taking his Body to be detain'd as a pledg for the injur'd Perſon, the Houſe of the Defendant though he be a *Peer*, may be broken open or demoliſh'd. And this ſhews that our Antient Laws ſerve better for the preſervation of the juſt Liberty of the meaneſt of the Kings Subjects from the Oppreſſions of the greateſt, than a million of modern Projects.

Jeſt. How ſerious you are now; as if the reſt of the World knew any thing of Invaſion upon their Liberties, when they were once fetch'd up from the North and from the Weſt to make their ſlaviſh Submiſſions. But prethee let's hear ſomewhat of the Weekly-men.

Earn. Prot. Cour. has pepper'd us away for what we ſaid of him in our laſt. Hear his words: *We admire at his high-flown Nonſenſe in terming the expreſſion* High Elegies *Nonſenſical, confeſſing our Ignorance of his Sublime Notion therein, and as for the reaſon why we durſt not adventure to make his Elegy, it is the ſame with that which is given by the famous Poets that flouriſhed at the time of* Ben. Johnſon's *death*, viz. That they could not give him his juſt Praiſes, *ſo that there was no other Inſcription on his Grave-ſtone than* O rare *Ben. Johnſon.*

Jeſt. To expoſe this Fellow to ridicule, one would think, it might be enough to ſhew him; and I know no other way to get pardon of any body that may hear us, but by aſſuring them we'l never regard him again, except upon better occaſion; He knows *High Elegies* to be Nonſenſical (if he underſtands any thing,) though *Elogies* or *Eulogies*, which he meant, might not have been ſo; then he ſhams upon us, that the great Poets *could* not give *Johnſon* his due praiſe, inſtead of *dare* not (or elſe he ſpeaks not to the point;) which he proves by the inſtance of the *Epitaph* inſtead of the *Elegy* upon him, of *O rare*; which yet is moſt Poetically expreſſive of the higheſt deſert, and does as fully anſwer his *utmoſt* merit as the *Utinam viveres* upon the Stone of the Noble Roman.

Earn. But in his laſt he is very ſharp upon Mr. *Cradock*'s Affidavit-men (as he impudently calls 'em) and ſays they were *men juſt of his own ſize and Principles*, and *famous in* London *both for their honeſty and good manners.*

Jeſt. All this is very true and a *deſerved Elogy*; and more than I *durſt give* to any of our Town-Whigs.

Earn. And then he cites the *Affidavit* in words at length, becauſe he ſays they *ſwore as ſtrong as they could*, and he had a mind to let *the world ſee how much they did ſtrain*

Jeſt. That was well done; that all the World may ſee they ſwore nothing but what a thouſand good Citizens of *London* can honeſtly atteſt.

Earn. Well! Will you have ne'r a word for little *Harry?*

Jeſt. I don't as yet perfectly underſtand his meaning.

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